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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/409,305	09/29/1999	CRAIG D. ULLMAN	4967.00	5182

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DORSEY & WHITNEY, LLP
INTELLECTUAL PROPERTY DEPARTMENT
370 SEVENTEENTH STREET
SUITE 4700
DENVER, CO 80202-5647

EXAMINER

WILLETT, STEPHAN F

ART UNIT PAPER NUMBER

2141

18

DATE MAILED: 04/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/409,305

Applicant(s)

Ullman et al.

Examiner

Stephan Willett

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Mar 25, 2003

2b) ☐ This action is non-final.

2a) ☒ This action is FINAL.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-141 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-141 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

4) ☐ Interview Summary (PTO-413) Paper No(s). _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other:

Art Unit: 2141

DETAILED ACTION

Drawings

1. The drawings are objected to because of the informalities noted on the attached PTO 948. Correction is required.
2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 103

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).
4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2141

5. Claims 1, 11, 25, 27, 28, 32-34, 44, 46, 56, 59, 65, 67-70, 73-74, 130-132, 136-138 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker et al. with Patent Number 5,878,223 in view of Kramer et al. with Patent Number 6,327,574.

6. Regarding claim(s) 1, 11, 25, 27, 28, 32-34, 44, 46, 56, 59, 65, 67-70, 73-74, 130-132, 136-138, Becker teaches a page finder based on a user profile. Becker teaches a network, col. 4, lines 13-18. Becker teaches using profiles to determine the content to send to a user, col. 4, 5, lines 54-57, 1-4 and as “the table becomes more useful, i.e. reflective of usage patterns [these are user usage patterns and are a user profile], the more the systems are used”, col. 9, lines 8-10 and a unique user, col. 11, lines 11-12, 18-20. Becker teaches a hierarchical attribute value pair data structure, col. 9, lines 1-10 that is dynamic and changes as different data is predicted even though the data is organized in a single level $n \times n$ matrix. Becker teaches a TV and its related communication requirements, col. 3, lines 57-58 and col. 5, lines 4-9 and 18-23. Becker teaches the invention in the above claim(s) except for explicitly teaching an independent hierarchical attribute value pair data structure. In that Becker operates to generate user based documents, the artisan would have looked to the network arts for details of implementing user selections. In that art, Kramer, a related network system, teaches “the consumer profile includes hierarchical attribute vectors which encode attributes of a consumer at progressively higher levels of abstraction”, abstract, lines 14-16. Kramer specifically teaches “annotating or replacing ... other media with (possibly) related multimedia content [value pair]”, col. 6, lines 22-24 and “The characteristic value for an object will be represented as a vector [hierarchy]”, etc., col. 11, lines 1-5. Further, Kramer suggests the “TIC to construct the personal database and models of the

Art Unit: 2141

consumer”, col. 5, lines 31-32 which will result from implementing his hierarchical attribute value pair data structures. The motivation to incorporate dynamic and static data structures insures highly related documents are matched with a user. Thus, it would have been obvious to one of ordinary skill in the art to incorporate said data structures as taught in Kramer into network system described in Becker because Becker operates with finding documents in a computer network and Kramer suggests that optimization can be obtained with networks. Therefore, by the above rational, the above claims are rejected.

7. Claims 1-141 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker et al. with Patent Number 5,878,223 in view of Savitzky et al. with Patent Number 6,012,083.

8. Regarding claim(s) 1, 11, 25, 27, 28, 32-34, 44, 46, 56, 59, 65, 67-70, 73-74, 130-132, 136-138, Becker teaches a page finder based on a user profile. Becker teaches a network, col. 4, lines 13-18. Becker teaches using profiles to determine the content to send to a user, col. 4, 5, lines 54-57, 1-4 and as “the table becomes more useful, i.e. reflective of usage patterns [these are user usage patterns and are a user profile], the more the systems are used”, col. 9, lines 8-10, and a unique user, col. 11, lines 11-12, 18-20. . Becker teaches a hierarchical attribute value pair data structure, col. 9, lines 1-10 that is dynamic and changes as different data is predicted even though the data is organized in a single level $n \times n$ matrix. Becker teaches a TV and its related communication requirements, col. 3, lines 57-58 and col. 5, lines 4-9 and 18-23. Becker teaches the invention in the above claim(s) except for explicitly teaching a user-profile. In that Becker operates to generate user based documents, the artisan would have looked to the network arts for details of implementing user selections. In that art, Savitzky, a related network system, teaches

Art Unit: 2141

“a web server to transform the requests from the Web client”, abstract, lines 2-3. Savitzky specifically teaches that a “feature calculator generates a feature list for a transaction by scanning the data element”, col. 6, lines 37-39 based on the user’s requests, “additional features can be added at any time to the features calculator’s known features”, col. 6, lines 53-54 to highlight the data is independent of the calculated hierarchy, and an agent “modifies them according to filtering rules before documents are returned to a client”, col. 11, lines 32-34 which also reads on a hierarchical attribute value data pair data structure . Further, Savitzky suggests that “the user typically accesses agency 10 by some action taken with a Web client to access to a Web server”, col. 5, lines 1-3 will result from implementing his network system. The motivation to incorporate a user profile insures highly related documents are matched with a user. Thus, it would have been obvious to one of ordinary skill in the art to incorporate the user profile as taught in Savitzky into network system described in Becker because Becker operates with finding documents in a computer network and Savitzky suggests that optimization can be obtained with networks. Therefore, by the above rational, the above claims are rejected.

9. Regarding claims 2, 3, 12, 13, 18, 19, 21, 24, Savitzky teaches attributes of a user, col. 6, lines 55-60. Thus, the above claim limitations are obvious in view of the combination.

10. Regarding claims 4, 14, Savitzky teaches preferences of a user, col. 11, lines 29-30. Thus, the above claim limitations are obvious in view of the combination.

11. Regarding claims 5, 6, 15-16, Savitzky teaches chat rooms or services, col. 6, lines 65-66. Thus, the above claim limitations are obvious in view of the combination.

12. Regarding claims 7, 17, Savitzky teaches directory for routing content, col. 6, lines 57-59.

Art Unit: 2141

Thus, the above claim limitations are obvious in view of the combination.

13. Regarding claims 8, 20, 23, 26, 31, 37, 45, 54, 57, 58, 61-63, 66, 71, 72, 75, 76, 94-95, 97, 11, 120, 135, Becker teaches transmitting selected information, col. 5, lines 50-53. Thus, the above claim limitations are obvious in view of the combination.

14. Regarding claims 22, 29, 30, 35, 36, 38-43, 47, 48-53, 55, 77-93, 96, 98-117, 119, 121-129, 133-134, 139-141, Savitzky teaches monitoring the activities of a user, col. 11, lines 28-29. Thus, the above claim limitations are obvious in view of the combination.

Response to Amendment

15. The broad claim language used is interpreted on its face and based on this interpretation the claims have been rejected. The “the hierarchical attribute value data pair data structure” as defined is still a very broad and open to interpretation such as a hierarchy of data with data points related or connected to one or another (paired) based on some relationship.

16. The limited structure claimed, without more functional language, reads on the references provided. Thus, Applicant’s arguments can not be held as persuasive regarding patentability.

17. Applicant suggests “Becker does not teach a system that finds pages based upon a user profile”, Paper No. 17, Page 7, lines 11-12. “User profile” is another broad term that is taught in all three references, see Becker, a unique user, col. 11, lines 11-12, 18-20; Kramer, consumer profiles, abstract, line 8 that are clearly shared over a network; Savitzky’s “user’s interests”, col. 11, lines 28-29 and a user’s conduct in Table 2 qualifies as part of a profile broadly speaking.

Thus, broad is used to explain that other definitions beyond the applicants’ definitions have been

Art Unit: 2141

applied to read on the claims as explained in regard to the whole claim, but while considering the specification's teachings in light of the whole claim and recognizing two may differ regarding "the remainder of which specifically teaches an interpretation different than that set forth", Paper No. 17, Page 16, lines 9-10. In addition, any of the other references cited clearly cite legacy user entered profiles as argued by the applicant, thus more references were not explicitly cited here. Also, the references should not be read in a vacuum, the teachings are not mutually exclusive, and must be taken in context of what was reasonable based on the subject matter as a whole as would have been understood at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. To further prosecution, if the applicant intends a more defined definition, as argued with "user profile" and "attribute value pair data structure", then it should be specified in the claims so the public is clear on what is protected, and not based on what the applicant feels is "used in the context of the present case", Paper No. 17, Page 8, lines 7-8. Lastly, "explicitly does not teach" only means with regard to exact words or inherent teachings, but surely includes implicit, implied and obvious teachings, especially when vague words are claimed, as has been argued by the Examiner. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

18. The Examiner reiterates his previous arguments with regard to applicant's piecemeal arguments and vague definitions of a "Hierarchical Attribute Value Pair Data Structure" and feels said probabilities are hierarchical data structures since lower probabilities are subordinate. Also, Applicant argues Becker's user data is based on collective set of users, but Kramer's "information about individual [unique] consumers", Paper No. 17, Page 12, line 10 can not be

Art Unit: 2141

“used or associated with for a plurality of users”, id, line 16, but they are hierarchically independent relative to the chosen reference position. Applicant suggests “the hierarchical attribute value data pair data structure is quite different from other data structures, as is apparent from the many advantages ... the attribute value pair is independent of the hierarchical structure”, Paper No. 8, Page 3, lines 2-3 and “the individual value pairs may be shared by different data structure hierarchies to define different entities, e.g. an individual or a group of individuals sharing the same piece of information”, Paper No. 11, page 9, lines 1-2. The above argument is not commensurate with what is presently claimed and therefore will not be considered at this time. The presently claimed data structure is indistinguishable from a relational database where different data fields have varying importance or a dynamic relational database created by an agent via a calculation or filter which is taught as an agent “modifies them according to filtering rules before documents are returned to a client”, col. 11, lines 32-34. Said rules read on a “hierarchical attribute value pair data structure” as claimed as understood based on the subject matter as a whole as would have been understood at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Obviously the data is independent of the hierarchical structure even though said data can also have a relation to the hierarchical attribute value pair data structure, but is shown as “additional features can be added at any time to the features calculator’s known features”, Savitzky, col. 6, lines 53-54. Thus, Applicant’s arguments can not be held as persuasive regarding patentability.

Art Unit: 2141

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited. A close review of the references is suggested. The other references cited teach numerous other ways to perform profiling of content based on a user's profile, thus a close review of them is suggested.

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

21. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (703) 308-5230. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Art Unit: 2141

24. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9605.

sfw

April 2, 2003

A handwritten signature in black ink, consisting of a stylized 'B' followed by a long horizontal stroke with a loop at the end.